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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,793	10/31/2003	Jeffrey M. Beraznik	55487-10	1743
39978	7590	03/17/2006		
JENNINGS, STROUSS & SALMON, P.L.C. 201 E. WASHINGTON ST., 11TH FLOOR PHOENIX, AZ 85004			EXAMINER HANEY, RICHALE LEE	
			ART UNIT	PAPER NUMBER

3765

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/698,793	BERAZNIK ET AL.	
	Examiner	Art Unit	
	Richale L. Haney	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/3/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because it appears that references "140" and "142" are reversed in the drawings. The applicant's disclosure states that "140" are blocks and "142" is a vinyl strip. The drawings show "142" as blocks and "140" as a vinyl strip. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 4– 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hochmuth (US 6,557,177). The device of Hochmuth discloses a glove, capable of being used while playing the sport of football, having a hand covering portion covering both the front and back of the wearer's hand, form fitting finger receptacles including a thumb receptacle (Figure 1) extending from the hand covering portion and in communication with the hand covering portion each having a front and back covering configured for covering the fingers of the wearer. The device of Hochmuth further comprises a unidirectional stiffener bendable towards the palm and rigid in the opposing direction (Column 4, lines 60 –65) enclosed between an inner layer (9) and the outer layer of the glove (Column 4, lines 1- 4). The stiffener is located in all five finger receptacles (Figure 1) adjacent a join (Column 2, lines 12 – 14) and has upper and lower (see Figure 4, 22 and 19) interlocking sections (Column 2, lines 15 –18) The glove of Hochmuth has a wrist covering that wraps around the user's wrist and extends from the hand covering portion (Figure 1, 4 and 5; Column 3, lines 59 – 60).

4. Claims 10 –19 are rejected under 35 U.S.C. 102(b) as anticipated by Hochmuth or, in the alternative, under 35 U.S.C. 103(a) as being an obvious modification. The device of Hochmuth discloses the claimed invention as applied to claims 1, 2 and 4– 8 above. The device of Hochmuth is capable of being worn and used in the manner

claimed by the applicant. Alternatively, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the device of Hochmuth to play football and prevent hyperextension in the method claimed by the applicant.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hochmuth in view of Mulvaney (US 4,598,429). The device of Hochmuth substantially discloses the claimed invention but is lacking a tackified outer surface. The device of Mulvaney discloses a sports glove having a tacky material facing away from the users' palm (2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Hochmuth by incorporating a tacky portion as taught by Mulvaney in order to obtain improved gripping (Column 1, lines 15 –17).

7. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hochmuth in view of Rabbeth (US 5,970,521). The device of Hochmuth substantially discloses the claimed invention but is lacking a padded portion. The device of Rabbeth shows a glove having stiffening elements (37) and a pad (32; Column 4, lines 35 –38) that engages the stiffening elements. It would be obvious to one of ordinary skill in the

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art at the time the invention was made to use the device in the manner claimed by the applicant.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clark et al. (US 4,295,229), Mulvaney (US 4,598,429), Turangan (US 5,316,294) and Hochmuth (US 6,725,466) disclose athletic gloves having stiffening and gripping elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richale L. Haney whose telephone number is 571-272-8689. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on 571 -272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richale L. Haney
Patent Examiner
Art Unit 3765
March 14, 2006

RLH


JOHN J. CALVERT
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